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By Electronic Mail

George T. Czerniak
Director, Air and Radiation Division
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60647

Nicole Cantello
Attorney-Advisor
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60647

**Re: Request for Extension of Time to Respond to November 15, 2013 Clean Air Act
Information Request Issued Pursuant to Clean Air Act Section 114**

Dear Mr. Czerniak and Ms. Cantello:

I write on behalf of KCBX Terminals Company ("KCBX") to respectfully request an extension of certain upcoming deadlines in the November 15, 2013 information request issued to KCBX Terminals Company ("KCBX") by the United States Environmental Protection Agency ("EPA"). Specifically, Request Numbers 3, 11, and 16 respectively direct KCBX to: 1) "install, operate, and maintain" particulate matter ("PM") monitoring sites "within 30 days of EPA approval" of locations for those sites at KCBX's North and South Plants in Chicago, Illinois; 2) install a meteorological tower for monitoring of weather conditions in conjunction with that PM monitoring; and 3) submit a Quality Assurance Project Plan for the requested monitoring. For the reasons detailed below, KCBX believes that it will not be able to perform all of these tasks by the specified deadline, and therefore seeks an extension of time until February 28 to comply with these requests.

On December 16, 2013, KCBX submitted to EPA a response to Request Numbers 1, 2, and 18 of the information request that included proposed PM monitoring sites, meteorological station sites, and petroleum coke sampling sites. EPA approved all of the proposed sites by a letter dated December 24, 2013, and postmarked December 27, 2014. Accordingly, the deadline for the actions outlined in Request Numbers 3, 11, 16, and 17 is January 23, 2014.¹

¹ The letter was delivered by US mail on December 30, 2013, although because the letter was not provided electronically and the single designated recipient was out of the country for the holidays, KCBX was unable to actually review the letter until after the new year.

Undertaking the monitoring program approved by EPA entails a number of preparatory steps: ordering and receiving shipments of the monitors and associated equipment; obtaining required local permits; completing all relevant technical designs for the monitor sites and the equipment to be installed; providing electrical power to the approved sites; and calibrating and testing the monitors (including a 72 hour zero background test, in accordance with applicable EPA protocols). Since submitting its December 16 proposal, KCBX has begun undertaking these preparations, and has made significant progress thus far (especially given the intervening holidays), including finalizing technical designs, ordering the approved monitors and related equipment, retaining an electrical contractor to accomplish the work necessary to provide power to the PM and meteorological monitors, and hiring a permit expeditor to facilitate the local permitting process. However, several issues have arisen that will prevent KCBX from being able to initiate its monitoring program by the January 23rd deadline.

Foremost, although KCBX ordered the necessary monitors and associated equipment in late December, due to constraints on equipment availability, all of the necessary monitoring equipment will not arrive onsite until February 13. Of the nine FEM PM monitors described in the approved monitoring plan, KCBX expects that six monitors and enclosures will ship by January 21 (arriving onsite within approximately 2-3 days, by January 24); three monitors will ship by January 22 (arriving by January 27); and the final three enclosures will not ship by February 10 (arriving by February 13). KCBX anticipates it will then require up to fourteen days to install and test the monitors at all of the sites across the two plants, absent any inclement weather or other unforeseen obstacles, to begin operation by February 28.

Additionally, even absent this time constraint, several other factors are likely to keep KCBX from completing the preparations outlined above by January 23. The City of Chicago has informed KCBX that, in order to obtain permits for installation of the meteorological monitoring stations, it must conduct soil borings specific to each location, which cannot be performed and analyzed until after January 21 (and could potentially require subsequent design changes); redesign the tower base in accordance with certain specifications outlined by the City, a task that KCBX does not expect to accomplish until January 20 at the earliest; and submit additional site drawings, which KCBX also anticipates will not be complete until January 20 at the earliest. Permit issuance is likely to take at least one week after that information is submitted, with the result that KCBX likely will not have authorization to install the meteorological towers until the end of January or later. Thus, even if KCBX were in a position to begin PM monitoring by that point (which it is not), monitoring results would be of no value as there would be no contemporaneous meteorological data regarding wind speed and direction, as well as ambient temperature and pressure, as required by EPA's November 15, 2013 information request.

Finally, at least three of the approved PM monitor sites – the northwest site at the North Plant, and the north and northwest sites at the South Plant – do not currently have a power supply sufficient for operation of the monitoring equipment. KCBX has identified ways to provide electrical power for the sites, including establishing a new connection to a Commonwealth Edison transformer for the northwest site at the North Plant (requiring Commonwealth Edison approval) and running an electrical line 900 feet from an existing power supply at the South Plant. However, the work for these three sites may not be completed by January 23, and could take until February 28.

With respect to Request No. 16, KCBX seeks a short extension – until February 3 – to submit the QAPP. While KCBX is currently preparing the QAPP, due to the time required to resolve technical questions regarding selected analytes and laboratory protocols, any draft submitted on January 23 would likely contain speculative information and need further revision before it reflects the final protocol for the network. KCBX therefore requests that the deadline for Request No. 16 be extended to February 3 in order to allow for submission of a more final version of the QAPP, which should still be in place before KCBX begins operation of the monitoring stations.

Therefore, on behalf of KCBX, I respectfully request an extension of the deadline for responding to Request Numbers 3 and 11 in the information request until February 28, 2014, and an extension of the deadline for responding to Request Number 16 until February 3, 2014. Please do not hesitate to contact me or Madeline Fleisher at 202-637-5543 with any questions regarding this extension request.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam M. Kushner". The signature is fluid and cursive, with the first name "Adam" and last name "Kushner" clearly distinguishable.

Adam M. Kushner

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